

JOSHUA A. RIDLESS (SBN No. 195413)  
PAUL A. MOORE III (SBN No. 241157)  
LAW OFFICES OF JOSHUA A. RIDLESS  
244 California Street, Suite 300  
San Francisco, CA 94111  
Telephone: (415) 614-2600  
Facsimile: (415) 480-1398

*Attorneys for Plaintiff Deborah Wilson*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DEBORAH WILSON,

Plaintiff,

v.

COMPASS VISION, INC.; and NATIONAL  
MEDICAL SERVICES, INC., d/b/a NMS  
LABS,

Respondent.

Case No.: 3:07-cv-03431 BZ

**DECLARATION OF PAUL A MOORE III  
IN SUPPORT OF ADMINISTRATIVE  
MOTION PURSUANT TO LOCAL RULE  
7-11 TO CONTINUE HEARING ON  
DEFENDANTS' MOTION TO DISMISS**

**Time: 10:00 am**  
**Date: December 5, 2007**  
**Crtrm: G – 15<sup>th</sup> Floor**  
**Hon. Bernard Zimmerman**

I, Paul A. Moore, III, declare as follows:

1. I am not a party in this matter. I have personal knowledge of the facts stated herein below, and if called as a witness I could competently testify to these facts.

1           2.     I am submitting this declaration in support of Plaintiff Deborah Wilson's  
2 administrative motion pursuant to Local Rule 7-11 to continue the hearing on Defendants' motion to  
3 dismiss which is currently scheduled for December 5, 2007 until Wednesday, December 19, 2007.

4           3.     On Thursday, November 29, 2007, I spoke with Mr. Christian Green, counsel for  
5 Defendant National Medical Services, Inc., dba NMS Labs ("National Medical Services, Inc."), to  
6 determine if National Medical Services, Inc. would be willing to jointly stipulate to continue the  
7 hearing currently scheduled for December 5, 2007 until December 19, 2007. Mr. Green inquired as  
8 to whether the other Defendant Compass Vision, Inc. ("Compass Vision") was willing to sign a joint  
9 stipulation to continue the hearing. Mr. Green also said he would check with his client and get back  
10 to me.

11           4.     Later on Thursday, November 29, 2007, I spoke with Ms. Catherine Salah, counsel  
12 for Defendant Compass Vision, Inc. regarding signing a joint stipulation to continue the hearing on  
13 Defendants' motion to dismiss. Ms. Salah confirmed that Defendant Compass Vision, Inc. would  
14 sign a stipulation continuing the hearing until Wednesday, December 19, 2007.

15           5.     I sent an email to Mr. Green informing him that Defendant Compass Vision, Inc.,  
16 was willing to join a stipulation to continue the hearing set for December 5, 2007 until December  
17 19, 2007.

18           6.     I followed up with Mr. Green on Friday, November 30, 2007. Mr. Green's voice  
19 mail said that he was in court and would be out of the office all day. I spoke with Mr. Green's  
20 paralegal Tom Malendra. Mr. Malendra attempted to leave a message for Mr. Green to contact me  
21 on Friday. I left a voice message for Mr. Green Friday evening informing him that we would be  
22 filing this administrative motion first thing Monday morning. I have yet to receive a response from  
23 Mr. Green.  
24  
25  
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27  
28



# **EXHIBIT 1**

JOSHUA A. RIDLESS (SBN No. 195413)  
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LABS,

Respondent.

Case No.: 3:07-cv-03431 BZ

**DECLARATION OF NORMAN  
PERLBERGER RE ORAL ARGUMENT  
ON MOTION TO DISMISS**

**Complaint Filed: May 22,2007**

**Judge: Hon. Bernard Zimmerman  
Trial Date: Not Set**

I, NORMAN PERLBERGER, Esquire, hereby make the following declarations: I am out-of-state counsel for plaintiff Deborah Wilson in the above matter, and was admitted *pro hac vice* in the case as of November 20,2007. Motions to Dismiss have been filed by defendants and are scheduled for oral argument on December 5,2007, and it is my intention, as lead counsel, to appear and present oral argument in opposition to said Motion on behalf of the plaintiff; however, I am presently engaged in a jury trial in the Court of Common Pleas of Philadelphia County, in the case of Small v. Temple Hospital et al., September Term, 2005, No. 1393, and the trial is not expected to conclude until December 5,2007

or after. I therefore seek to have oral argument on this Motion continued to the following week (December 12) or the week thereafter (December 19), when I may appear and argue on behalf of plaintiff Deborah Wilson.

  
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NORMAN PERLBERGER, ESQUIRE

DATED: 11/29/07